



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute Codes: ET FF

### Introduction

This is an application by the tenant for a review of the decision of Arbitrator dated August 6, 2013. The Tenant did not attend the hearing on August 6, 2013 as the Tenant indicated in her review application she does not have a phone so she could not participate in the conference call. As well the Tenant indicated that she believe someone changed the information on the form while she was at work, so she believes the decision and order were obtained by fraud.

Division 2, Section 79(2) under the *Residential Tenancy Act* says a party to the dispute may apply for a review of the decision. The application must contain reasons to support one or more of the grounds for review:

1. A party was unable to attend the original hearing because of circumstances that could not be anticipated and were beyond the party's control.
2. A party has new and relevant evidence that was not available at the time of the original hearing.
3. A party has evidence that the director's decision or order was obtained by fraud.

### Issues

The Tenant's application for a review of the previous Arbitrator's decision is on the grounds that the Tenant was unable to attend the original hearing because of circumstances beyond her control and the decision and order were obtained by fraud. Is the Tenant's application justified?

### Facts and Analysis

The Tenant applied for a review on the basis that she does not have a phone so she could not dial into the conference call for the hearing. The Tenant does not say she that she did not receive the Notice of Hearing which was sent to her by registered mail on July 23, 2013. The Arbitrator indicates in the decision that there is a receipt and tracking information included in the evidence package of the Landlord; therefore the Tenant was deemed to be served with the hearing information on July 28, 2013. As the Tenant was deemed to be served the Notice of Hearing it was the Tenants responsibility to organize the use of a phone. Service BC has phones available for tenants to use if they do not have access to a phone. Consequently, I find the Tenant's claim that she did not attend the hearing because she does not have a phone does not establish ground that she could not attend the hearing because of circumstances beyond her control. I dismiss the Tenant's request for a review hearing based on the Tenant not attending the hearing due to circumstances beyond her control.

With respect to the Tenant's claim that information was changed on the forms while she was at work and that this represents fraud by the Landlord in obtaining the decision and Order. The Tenant did not submit any evidence to support this claim. With no evidence to support the claim I find the Tenant has not established grounds to be awarded a review hearing. I dismiss the Tenants request for a review hearing on the grounds of fraud.

### Decision

In considering the evidence of the Tenant's review application, I find that the Tenant has not established grounds to be granted a review hearing. Consequently I dismiss the Tenant's application for a Review Hearing. Arbitrator's decision and orders stand in effect as dated in the original hearing of August 6, 2013.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: August 19, 2013

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Residential Tenancy Branch